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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,981	10/29/2003	Hirokazu Shoda	016907-1579	5344
22428 7590 09/27/2007 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER VO, QUANG N	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 09/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/694,981	Applicant(s) SHODA ET AL.	
	Examiner Quang N. Vo	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-9,11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-9,11 and 13-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's arguments filed 08/27/2007 have been fully considered but they are not persuasive.

With regard to claim 1, applicant argues Kanno does not teach the conversion the conversion section converts the color image signals into the two-state signals in accordance with whether the color image signals are chromatic color or achromatic color image signals, and the conversion by the conversion section is a color conversion using a look-up table. This argument is not persuasive because Kanno discloses the conversion section converts the color image signals into the two-state signals in accordance with whether the color image signals are chromatic color or achromatic color image signals (e.g., the color/monochrome output color determining section producing a color signal or a monochrome signal, column 12, lines 7-15; e.g., black and white histograms, figures 8A, 8B, 8C and color histograms 9A, 9B, 9C, column 11, line 37 – column 12, line 2) and the conversion by the conversion section is a color conversion using a look-up table (e.g., threshold value table, column 9, line 58 – column 10, line 10).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5-9, 11, 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanno et al. (Kanno) (US 6,504,628).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With regard to claim 1, Kanno discloses an image processing apparatus comprising: an input section configured to receive color image signals (column 1, lines 7-11); a printing color designating section configured to designate printing colors of two colors (column 14, lines 25-36, lines 48-59); a conversion section configured to receive the color image signals which are received from the input section and to convert the color image signals to two-state signals in a dimension-dropped fashion (column 14, lines 25-36); and a color allocation section configured to allocate the printing colors of two colors which are designated by the printing color designating section to the converted two-state signals (column 14, lines 37-41) wherein the conversion section converts the color image signals into the two-state signals in accordance with whether the color image signals are chromatic color or achromatic color image signals (e.g., black and white histograms, figures 8A, 8B, 8C and color histograms 9A, 9B, 9C, column

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11, line 37 – column 12, line 2; column 12, lines 7-15), and the conversion by the conversion section is a color conversion using a look-up table (e.g., threshold value table, column 9, line 58 – column 10, line 10).

With regard to claim 3, Kanno discloses wherein the allocation of the printing colors by the color allocation section is an inking processing (column 2, lines 26-30, lines 50-55).

With regard to claim 5, Kanno discloses further comprising an identification processing section configured to identify whether, with respect to the converted two-state signals, a character is represented or a picture is represented and to independently set parameters of the identification processing to the two-state signals (column 22, lines 3-21).

With regard to claim 6, Kanno discloses further comprising a filtering processing section configured to perform filtering processing on the converted two-state signals and to independently set parameters of the filtering processing to the converted two-state signals (column 9, lines 49-51).

With regard to claim 7, Kanno discloses further comprising an identification processing section configured to identify whether, with respect to the converted two-state signals, a character signal is represented or a picture signal is represented and to independently set parameters of the identification processing to the two-state signals (column 21, lines 56-65) and a filtering processing section configured to perform a filtering processing on the converted two-state signals and independently set parameters of the filtering processing to the two-state signals (column 9, lines 34-51),

wherein, when the two color designation is made with the same color on the printing color designating section, the filtering processing section has its parameters set to allow the converted two colors from the conversion section to be printed as the same concentration reproduction (column 12, lines 16-37).

With regard to claim 8, Kanno discloses further comprising a compression section configured to independently perform compression processing on the converted two-state signals from the conversion section, a storage section configured to store the compressed two-state signals from the compression section, and a decoding section configured to perform a decoding processing on the compressed two-state signals which are stored in the storage section (column 8, lines 55-60).

Referring to claim 9:

Claim 9 is the method claim corresponding to operation of the device in claim 1 with method steps corresponding directly to the function of device elements in claim 1. Therefore claim 9 is rejected as set forth above for claim 1.

Referring to claim 11:

Claim 11 is the method claim corresponding to operation of the device in claim 3 with method steps corresponding directly to the function of device elements in claim 3. Therefore claim 11 is rejected as set forth above for claim 3.

Referring to claim 13:

Claim 13 is the method claim corresponding to operation of the device in claim 5 with method steps corresponding directly to the function of device elements in claim 5. Therefore claim 13 is rejected as set forth above for claim 5.

Referring to claim 14:

Claim 14 is the method claim corresponding to operation of the device in claim 6 with method steps corresponding directly to the function of device elements in claim 6. Therefore claim 14 is rejected as set forth above for claim 6.

Referring to claim 15:

Claim 15 is the method claim corresponding to operation of the device in claim 7 with method steps corresponding directly to the function of device elements in claim 7. Therefore claim 15 is rejected as set forth above for claim 7.

Referring to claim 16:

Claim 16 is the method claim corresponding to operation of the device in claim 8 with method steps corresponding directly to the function of device elements in claim 8. Therefore claim 16 is rejected as set forth above for claim 8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Vo whose telephone number is 5712701121. The examiner can normally be reached on 7:30AM-5:00PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Y. Poon can be reached on 5712727440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Quang N. Vo 9/19/07  
Patent Examiner



KING Y. POON  
SUPERVISORY PATENT EXAMINER